

STATE OF MAINE

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To Whom It May Concern,

My name is Katherine Hudson-MacRae. I have the honor of being an Assistant District Attorney in Androscoggin County, where I have worked since the Spring of 2019. Prior to that, I was an Assistant District Attorney in Wiscasset. In my current position, I am on a team of four prosecutors exclusively handling domestic violence and sexual assault cases. I am currently handling around 150 active felony and misdemeanor cases.

This job is immensely rewarding; every single day I know that I strive to do justice. I work to ensure that victims of domestic violence and sexual assault are not forgotten. I work to protect defendants' constitutional rights while ensuring the public and victims' rights to safety with equal measure.

At a time where, appropriately so, the focus is on the crumbling court-appointed attorney system, it is hard to imagine asking this Legislature and our Governor for help as a prosecutor—but I ask nevertheless. More often than not, the person in the courtroom trying to balance the seemingly impossible task of ensuring that victims are heard, defendants' constitutional rights are preserved, and that justice is done, is the prosecutor. And to prosecute the right way—the just way—in the current system, with its current resources, is burning out prosecutors.

I am, simply put, exhausted. Since August of 2021, I have had 13 trials. On February 22nd, at 8:45pm, I finished a two-day trial involving 32 counts, including Burglary (Class B), Domestic Violence Stalking (Class D), and 25 counts of Violation of a Protection Order (Class D). The same day that that trial began, I had a brief due with the Law Court for an appeal in a felony Domestic Violence Stalking and

Violation of Protection Order case. I am now preparing for a Domestic Violence Assault (Class D) trial scheduled to begin tomorrow, February 27th. As these trials happen, the work does not stop. My colleagues are left to cover my other cases—set for dispositional conferences, in-custody arraignments and initial appearances, victim meetings, and miscellaneous bail and motion hearings. This is my normal work schedule.

I have spent almost five years as a prosecutor trying to do the impossible: trying to do justice for the people of the State of Maine, for victims and defendants, while also protecting my personal life and physical and mental health. I have watched as prosecutors that I admire leave because of the stress of the crushing caseloads. This job quite literally keeps me up at night. It consumes my weekends and takes me away from precious time with my loved ones.

Three times a week, I make charging decisions about people who are in-custody. I prepare for bail or motion hearings that occur multiple times a month and sometimes in two different courthouses on the same day. I meet with victims. I prepare for week-long dispositional conferences, a time to attempt to settle cases, which require a thorough understanding of the evidence, history, and strengths, and weaknesses of cases. In what I consider my “spare work time,” I have also worked to reform the written jury questionnaires to ensure that they account for racial and gender bias.

While all of this happens, I also prepare for trial. Because the State is, appropriately, held to the highest burden of proof, and because the State gets one chance to try a case the right way, the just way, it is the most stressful part of my job. Each month, in Androscoggin County, the court produces a list of about 20 cases that may go forward to trial that month. On average, I am the prosecutor for approximately eight cases on each of these trial lists. These cases include, for instance, allegations of Unlawful Sexual Touching, Domestic Violence Assault, and Domestic Violence Aggravated Assault.

I am responsible for preparing each case on the trial list as if it will go to trial. For every case on the trial list, subpoenas are sent to every victim and civilian witness and each law enforcement officer involved is notified. The trials that will actually move forward each month are confirmed at jury selection, typically the Thursday before trials begin the following Monday. At some point, amongst all of this, trial preparation actually begins, which requires meeting with all witnesses and victims, preparing exhibits, and more.

While the stress of managing the volume of cases on each trial list can be overwhelming for prosecutors, cases being continued month after month creates chaos for victims. Victims are asked to mentally prepare to relive what is often the

worst experience of their life many times over without any clear understanding whether the trial will take place that month.

Asking defense attorneys to carry excessive caseloads violates their ethical obligations. Asking prosecutors to do the same violates their equally important ethical *and* constitutional obligations. A prosecutor must have adequate time to prepare. How else can they review all of the discovery? How else can they determine whether a traffic stop was constitutional or *Miranda* warnings were appropriately provided? If they should even charge the case? Or prepare a victim or witness to testify?

Often, the response that I hear to concerns about overworked prosecutors is that prosecutors should “charge fewer cases.” How do you tell a victim of domestic violence that—although I believe we could prove the case at trial, I believe their partner assaulted them—I have too many cases? The simple answer is that I don’t. I charge the case. This means that I come in early, stay late, work weekends, and take few vacations where, even then, I still work.

Providing more support for prosecutors throughout the State ensures that the other equally important components of our justice system continue to function. Our system of justice depends on the balancing of interests—criminal defendants, public safety, and victims of crimes. Prosecutors form an essential part of that balance by ensuring that people who commit crimes are held accountable.

Please consider providing more prosecutorial resources throughout the State.

With sincere thanks,



Katherine M. Hudson-MacRae, Esq.
Assistant District Attorney